

PORTION 5 OF THE FARM NO. 585, HEMEL-EN-AARDE VALLEY, DIVISION CALEDON: APPLICATION FOR CONSENT USES, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: WRAP (obo OVERSTRAND MUNICIPALITY AND OVERSTRAND SKILLS TRAINING NETWORK NPC)

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received as follows:

- Consent uses in terms of Section 16(2)(o) of the By-Law to accommodate tourist facilities (restaurant and recreational facility/parkrun) and live entertainment (open air amphitheatre and live music in restaurant) on the property.
- Amendment of the site development plan in terms of Section 16(2)(l) of the By-Law to allow for a new restaurant building on the property.
- Permission required in terms of the zoning scheme in terms of Section 16(2)(g) of the By-Law to construct new buildings/structures in an Environmental Management Overlay Zone (EMOZ).

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and be submitted at the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **6 May 2022**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

GEDEELTE 5 VAN DIE PLAAS NR. 585, HEMEL-EN-AARDE VALLEI, AFDELING CALEDON: AANSOEK OM VERGUNNINGSGEBRUIKE, WYSIGING VAN TERREINONTWIKKELINGSPLAN EN TOESTEMMING INGEVOLGE DIE SONERINGSKEMA: WRAP (nms OVERSTRAND MUNISIPALITEIT EN OVERSTRAND SKILLS TRAINING NETWORK NPC)

Kennis geskied hiermee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruiksbeplanning, 2020, dat 'n aansoek soos volg ontvang is:

- Vergunningsgebruike ingevolge Artikel 16(2)(o) van die Verordening om toeriste fasiliteite (restaurant en ontspanningsfasiliteit/"parkrun") en lewendige vermaak (opelug amfiteater en lewendige musiek in restaurant) op die eiendom te akkommodeer.
- Wysiging van die terreinontwikkelingsplan ingevolge Artikel 16(2)(l) van die Verordening om 'n nuwe restaurant gebou op die eiendom toe te laat.
- Toestemming ingevolge die soneringskema ingevolge Artikel 16(2)(g) van die Verordening om nuwe geboue/strukture in 'n Omgewingsbestuur Oorlegsone (OBOS) op te rig

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige skriftelike kommentaar op die voorstel moet ingevolge die bepalings van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) bereik voor of op **6 Mei 2022**, met vermelding van u naam, adres, kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

INXALENYE 5 YEFAMA NO. 585, HEMEL-EN-AARDE VALLEY, KWISAHLULO SASE CALEDON: ISICELO SEMVUME YOUKUSETYENZISWA, UKUHLENGHLENGISWA KWESICWANGCISO SOPHUHLISO LWESIZA ESIVUNYIWEYO KUNYE NEMVUME EFUNEKAYO NGOKWENKONZO YENKQUBO YOKUCANDWA KWEMIDA: WRAP PROJECT OFFICE (EGAMENI LIKA OVERSTRAND MUNICIPALITY AND OVERSTRAND SKILLS TRAINING NETWORK NPC)

Kukhutshwa isaziso ngokwemiba yeSoloty 48 loMthethwana kaMasipala wase-Overstrand weSicwangciso soYilo nokuSetyenziswa koMhlaba, sonyaka wama-2020 (uMthethwana) ukuba kufunyenwe isicelo soku kulandelayo:

- Iimvume zokusetyenziswa ngokweSoloty 16(2)(o) yalo Mthethwana ukwenza indawo enezakhiwo ezenzelwe abakhenkethi (indawo yokutyela neyolonwabo/indawo yokuzonwabisa) kunye nezinto zokonzwabisa ezenzeka ngqo(iqonga lemidlalo elivulekileyo kunye nomculo odlalwa kwindawo yokutyela) kwipropati.
- Ukuhlengahlengiswa kwesicwangciso sophuhliso lwesiza esivunyiweyo ngokweSoloty 16(2)(l) lalo Mthethwana ukuvumela isakhiwo esitsha sokutyela kwipropati.
- Imvume efunekayo ngokwenkqubo yocando ngokweCandelo le-16(2)(g) loMthetho kaMasipala yokwakha izakhiwo ezitsha/izakhiwo kwiNdawo eyalekeneyo yoLawulo lokusiNgqongileyo (EMOZ).

Inkcukacha ezipheleleyo ziyafumaneka ukuba zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: UCwangciso lweDolophu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla **6 Ucanzibe (May) 2022**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba ku**Mnu. H Olivier** kule nombolo yomxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvulwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

Locality Plan Portion 5 of the Farm 585, Caledon

 Subject property (Portion 5 of the Farm 585, Caledon)

Plan prepared by: Thian Jansen

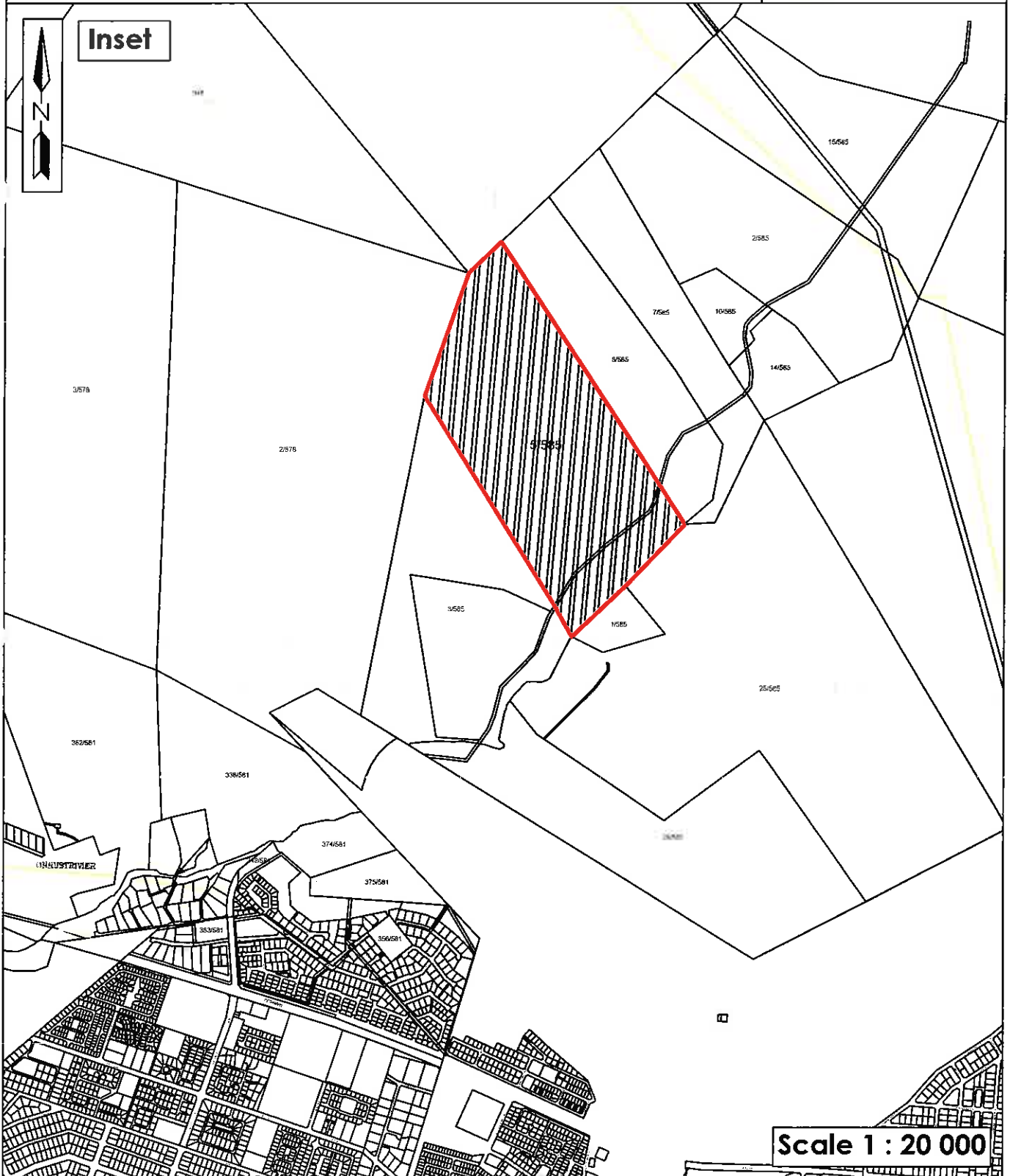
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



Inset

Scale 1 : 20 000



1. ABBREVIATIONS

1.1	OM	Overstrand Municipality
1.2	OMLUS	Overstrand Municipality Land Use Scheme, 2020
1.3	OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.4	PSDF	Western Cape Provincial Spatial Development Framework, 2014
1.5	LUPA	Western Cape Land Use Planning Act, 2014.
1.6	MSDF	Overstrand Spatial Development Framework, 2020
1.7	SDP	Site Development Plan
1.8	AGR1	Agriculture Zone 1: Agriculture

2. SUMMARY OF STATUS QUO AND PROPOSED PROPERTY DETAILS

2.1	Consultant	WRAP Project Office
2.2	Restrictive title deed conditions	None
2.3	Erf extent	69.8047Ha
2.4	Current zoning	Agriculture Zone 1: Agriculture

3. BACKGROUND

PORTION 5 OF THE FARM 585, CALEDON hereafter referred to as the subject property is owned by the Overstrand Municipality. There is a lease agreement in place between the Overstrand Municipality and Overstrand Skills Training Network NPC who will be referred to as the applicant.

The applicant is a non-profit organisation that is responsible for training and skills transfer in the Overstrand area. Courses that are presented by the applicant include business, construction, chef assistant and basic computer courses. The applicant had a lease agreement since 2011 until 2021 (10 years) to train students and in 2021 their lease agreement was renewed for an additional 10 years until 2031.

In 2012 the applicant appointed WRAP to submit a land use application that was approved, for the following:

- Four (4) classrooms of 60 m² each;
- Four (4) workshops of 60 m² each;
- One (1) hall/kitchen/mess hall of 200 m²;
- Organic vegetable and herb gardens of approximately 600 m²;
- Accommodation facilities for trainees (one primary and 5 additional dwelling units) at 250 m² per dwelling;
- One (1) amphitheatre of approximately 1 000 m²;
- One (1) farm store of 100 m²;
- Adventure activities (paintball, tree-canopy tours, quad biking tours); and
- One (1) reception/admin building of approximately 100 m².

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MOTIVATION

Since the previous approval in 2012, the applicant's requirements have changed, and the location of some of these buildings have been amended to accommodate the land uses. The applicant would like to focus on the training of students within the hospitality service – specifically the restaurant industry.

They want to establish a restaurant on the subject property to assist in the training efforts being made on the property. The proposal is also in line with the new lease agreement – Section 5.1.5

"5.1.5. Developing sustainable tourism related activities;"

To achieve the applicant's vision the following is being applied for:

- 3.1** Amendment of the Site Development Plan (SDP);
- 3.2** Consent use for a tourist facility – restaurant;
- 3.3** Consent use for a tourist facility – recreational facility/parkrun;
- 3.4** Consent use for a place of entertainment – Amphitheatre; and
- 3.5** Consent use for a place of entertainment – live music in restaurant.

Expected number to be accommodated:

Land Uses	Maximum number of people
Restaurant	130 People
Amphitheatre	100 People
Adventure Activities	8 People
Training Facilities	50 People

4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

WRAP was appointed to compile and submit a land use planning application to materialise the intent highlighted in Section 3 of this report. The following is proposed:

4.1 Amendment of the Site Development Plan in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The previous approved site development plan indicated the requirements that the applicant had for the subject property which included the uses indicated in Section 3 of this report.

As time had passed, the requirements of the applicant had changed as a shift in the need for specifically trained students increased. These types of students were those trained in the restaurant industry. The amended SDP indicates the following and also addresses the current need for the applicant:

- Four (4) classrooms of 60 m² each;
- Four (4) workshops of 60 m² each;
- One (1) hall/kitchen/mess hall of 200 m²;
- Organic vegetable and herb gardens of approximately 600 m²;

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- Accommodation facilities for trainees (one primary and 5 additional dwelling units) at 250 m² per dwelling;
- One (1) amphitheatre of approximately 1 000 m²;
- One (1) farm store of 100 m²;
- Adventure activities (paintball, tree-canopy tours, quad biking tours);
- One (1) reception/admin building of approximately 100 m²; and
- **Restaurant of ±336m².**

In addition to the amendment of the land uses, the proposal includes the addition of a restaurant to the subject property. It also adds an additional 336m² to the overall GLA of the subject property, increasing the total GLA of the subject property from 2708m² to 3044m².

Refer to Plan 3, 4 and 5 for the amended SDP and the new facilities that are proposed which include the new restaurant that will be used for training.

4.2 Consent Use to allow a tourist facility (restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The subject property is currently zoned as Agricultural Zone 1: Agriculture (AGR1) that allows for a tourist facility with the consent of the municipality. According to the OMLUS a tourist facility is defined as the following:

*“‘tourist facilities’ means amenities for tourists or visitors such as lecture rooms, **restaurants**, picnic areas, gift shops, cafés, restrooms, recreational facilities, animal parks (domestic or otherwise) but does not include a hotel or overnight facilities;”*

As indicated above, a restaurant is allowed under the use of a tourist facility. The applicant envisions to establish a restaurant on the subject property to assist in the training efforts being made on the property. With an established restaurant, students will be exposed to real live situations and experiences only available in a real-world environment.

The restaurant will function as a typical restaurant, with waiters, chefs, assistant managers and managers and other restaurant personnel, but with a notice that these ‘employees’ are still being trained, exposing them to a real-world environment.

This type of learning is called “Kinesthetic learning” or “learn by doing”. It has been used globally to expose students to real life situations to adapt and learn faster. In addition to the benefits of learning, it will allow the applicant to earn an income to contribute to the management and maintenance of the subject property.

In addition to the training and education that will take place, the restaurant will attract patrons and ensure the rural area benefits from the proposed restaurant.



4.3 Consent Use to allow a tourist facility (recreational facility/parkrun) in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The subject property is currently zoned as Agricultural Zone 1: Agriculture (AGR1) that allows for a tourist facility with the consent of the municipality. According to the OMLUS a tourist facility is defined as the following:

*“‘tourist facilities’ means amenities for tourists or visitors such as lecture rooms, restaurants, picnic areas, gift shops, cafés, restrooms, **recreational facilities**, animal parks (domestic or otherwise) but does not include a hotel or overnight facilities;”*

“recreational facilities” means the land use of land to practice a particular sport or combination of sports and general recreation and includes a clubhouse and associated infrastructure and buildings, indoor and outdoor swimming pools and associated infrastructure, and a shooting and driving range but does not include any building or structure that is used for business or any other use not aligned to or dependent on the sport concerned”.

As indicated above, a recreational facility is allowed under the use of a tourist facility. The recreational facility on the subject property is the Hermanus Parkrun is operated from the subject property and the start and end points are located on the subject property.

The route is 5km long and the event is held every Saturday morning at 8:00. Refer to the Figure below that illustrates the route:



Figure 1: Hermanus Parkrun Route

The Parkrun starts and ends on the subject property. As illustrated above, it is located across several properties on the Camphill Road. The start is located in the beautiful forest area of the Hemel & Aarde Valley in a northerly direction, past the entrance of Bona Dea Estate to enter the Camphill school after, at the top of a small hill, on a gravel road, you will be greeted with amazing views of the mountains. It continues around the school clockwise and exit at the gate onto the gravel road for 150m before re-entering the forest on the left-hand side. Winding through the forest route, then crossing gravel back into the forest to arrive at an uphill climb which allows for a lovely decent to the finish at the Forest Adventure Centre.

According to the official parkrun website it is calculated that between 100 – 300 runners visit the parkrun every weekend, with increased numbers on rare occasions.

With 300, runners a parking requirement of 4 persons per parking bay is required as per the OMLUS. This means that 75 parking bays will be required, and these parking bays will not be occupied by any other land uses on the subject property between 8:00 and 10:00 when the parkrun is in operation and should be considered that sufficient parking is available as per the attached SDP.

Volunteers at the Parkrun ensure that the event is operated smoothly. Each runner's time is recorded and published on the Parkrun website. This format is



operated across South Africa with major success and the Hermanus Parkrun is no different.

4.4 Consent Use to allow a place of entertainment (open air amphitheatre) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

A departure to allow an amphitheatre in terms of the Land Use Planning Ordinance, 1985 (no.15 of 1985) was approved on the subject property in 2012. The departure has lapsed and to ensure comprehensiveness it is required it is addressed in this application.

Since 2012, the OM has enacted numerous land use scheme with the latest being the 2020 version thereof. The 2020 land use scheme makes provision for a consent use for a place of entertainment on a property zoned Agriculture Zone 1 and it is defined as follows:

“place of entertainment” means a place used for commercial entertainment which may attract large numbers of people, operates outside normal business hours or generates noise from music or revelry on a regular basis and includes a cinema, a theatre, an amusement park, a dance hall or a night club and gambling and live music;”

The main focus of the amphitheatre will be live music events and theatre related events. The maximum number of patrons/clients that can be accommodate by the amphitheatre will be 100. Every four seats require 1 parking bay meaning that 25 parking bays will be required for the amphitheatre alone.

These music events will not be operated at inconvenient times, and it is not predicted to affect any other properties in the Valley. These events will also not be regular occurrences but will be planned long in advance and if required, neighbours will be notified of these events.

4.5 Consent Use to allow a place of entertainment (live music in restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The definition of a *place of entertainment* described above, will be part of the restaurant which will serve meals, beverages and provide entertainment in a small performance area on the ground floor of the restaurant building. Refer to the Architectural Proposal of the Restaurant attached as Annexure C to this report.

This performance area will be used for live music and small events to entertain the guests while they enjoy their meals and beverages. The restaurant will operate during normal business hours and will not be a nuisance to the surrounding property owners.



The performances envisioned are one-man band type of events. Larger live music events will be organised in the amphitheatre where more people can be accommodated. Two places of entertainment will therefore be operated independently from one another each catering for a specific audience.

4.6 Permission required in terms of Section 16(2)(g) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Due to the subject property being located within the Mountain Catchment – EMOZ (refer Section 11.1) permission is required to allow the above-mentioned structures on the subject property.

It is stated that within the Mountain Catchment – EMOZ “no placement of any object, building, shelter or structure within such Mountain Catchment EMOZ”. The proposal of the restaurant and other building falls within this category necessitating the application.

Further motivation is provided within Section 11.1.

The restaurant will not have a negative impact on the surrounding natural area, and we are of the opinion that it should be allowed in terms of Section 16(2)(g) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5. APPLICATION

Considering the above, application is made for the following:

5.1 Amendment of the Site Development Plan in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.2 Consent Use for a tourist facility (restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.3 Consent Use for a tourist facility (recreational facility/parkrun) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.4 Consent Use for a place of entertainment (open air amphitheatre) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.5 Consent Use for a place of entertainment (live music in restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.6 Permission required in terms of Section 16(2)(g) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



6. LAND USE ENVIRONMENT

The properties surrounding the subject property are also zoned Agricultural Zone 1: Agriculture. The subject property already has approval for most of the requirements of the applicant and the only additional requirement is for the restaurant to function on the property. Within the area, this is not out of the ordinary to have a functioning restaurant on an agricultural property.

7. TITLE DEED

No restrictive title deed conditions are present in the title deed (T4603/1920) which may prohibit the approval of a restaurant on the subject property.

8. ZONING

The following zoning parameters were assessed in conjunction with the Agriculture (AGR1) OMLUS zoning as this is a relevant consideration in terms of Section 66 (1)(q) of the OM By-Law:



MOTIVATION

Agricultural Zone 1: Agriculture (AGRI)		
Land Use Restrictions		
Parameters	Proposal	Comply/ deviate
<p>Primary use</p> <p>Agriculture, Crèche, Dwelling House, Guest Rooms and Home Occupation.</p>	<p>Dwelling House</p>	<p>Comply</p>
<p>Consent use</p> <p>Additional Dwelling Units, Agricultural Industry, Animal Care Centre, Aquaculture, Day Care Centre, Farm Shop/Stall, Fertiliser Plant, Guest House, Hotel, Institution, Intensive Animal Farming, Intensive Horticulture, Lodge, Mining, Place of Assembly, Place of Entertainment, Place of Instruction, Plant Nursery, Riding Stables, Service Trade, Tourist Accommodation, Tourist Facilities, Transmission Apparatus, Utility Services, Wellness Centre and 4x4 Trail.</p>	<p>Previous Land Use Approval:</p> <p>Four (4) classrooms of 60 m² each; Four (4) workshops of 60 m² each; One (1) hall/kitchen/mess hall of 200 m²; Organic vegetable and herb gardens of approximately 600 m²; One (1) amphitheatre of approximately 1 000 m²; One (1) farm store of 100 m²; Adventure activities (paintball, tree-canopy tours, quad biking tours); and One (1) reception/admin building of approximately 100 m².</p> <p>Accommodation facilities:</p> <p>One primary and 5 additional dwelling units) at 250 m² per dwelling;</p> <p>Current land use requirements:</p> <p>Four (4) classrooms of 60 m² each; Four (4) workshops of 60 m² each; One (1) hall/kitchen/mess hall of 200 m²; Organic vegetable and herb gardens of approximately 600 m²; One (1) amphitheatre of approximately 1 000 m²;</p>	<p>Additional land use of restaurant applied for and motivated</p>



MOTIVATION

		<p>One (1) farm store of 100 m²; Adventure activities (paintball, tree-canopy tours, quad biking tours); and One (1) reception/admin building of approximately 100 m². Accommodation facilities: 6 dwelling units (One Main and 5 additional) at 250 m² per dwelling;</p> <p><u>Currently Applying for Tourist Facilities = Restaurant, Place of Entertainment & recreational facilities.</u></p>	
Development parameters			
Floor space	<p>The total floor space of all buildings on the land unit may not exceed 5000 m², provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.</p>	<p>Existing buildings – 328m² Previously approved structures – 2380m² New structure (Restaurant) – 336m² Total – 3044m²</p>	Comply
Building lines	<p>Street and common boundary building lines are all 30m.</p>	Comply	Comply
Height	<p>i. The maximum height of a building, measured from the base level to the top of the roof is 8,0 m, provided that;</p> <p>ii. Agricultural buildings other than dwelling units shall not exceed a height of 12,0 m measured from the base level to the top of the roof; and where Council is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; and</p>	<p>(i) The buildings are lower than 8m and will be addressed during building plan submission process; (ii) N/A; and (iii) N/A.</p>	Comply



MOTIVATION

<p>Parking</p>	<p>iii. Earth banks and retaining structures shall comply with 16.6, provided that earth banks and retaining structures, which in the opinion of Council are associated with the bona fide agricultural activities, are exempt from the requirements of 16.6. The provision of parking is provided in accordance with Section 17.1.3 of the OMLUS:</p>	<p>Dwelling Units 2 Parking bays will be provided at each of the subject dwelling units. = 12 bays Restaurant 4 Parking bays per 100m² GLA Total 336m² - 13,44 (14 Parking Bays provided). Storage 1 Parking bay per 100m² GLA Total Storage - 164m² 2 Parking bays provided for the storage Place of instruction 1 Parking bay per classrooms/workshops 8 Parking bays required - 8 bays provided Place of Entertainment Amphitheatre 1 Parking bay per 4 seats 100 seats available - 25 Parking bays required - 25 provided Recreation/Sport 1 Parking bay per 4 seats/persons Maximum of 8 people - 2 Parking bays required Farm Store 4 Parking bays per 100m² GLA</p>	<p>Comply</p>
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MOTIVATION

Loading	The minimum off-street loading must be provided to the satisfaction of the Engineering Department.	2 Parking bays required - 8 parking bays are provided Total bays provided - 79 Loading bays will be provided if required, but with the subject property being a farm, there is ample space for loading and off-loading purposes.	Comply
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9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity

The subject property is connected to the ESKOM electricity network.

Water

Previous applications indicated that there is water available on the subject property, from the main line from the De Bos Dam. The water is untreated, and the applicant has the responsibility to ensure the water is treated to a suitable level for human consumption.

A copy of the agreement is attached as **Annexure F**.

Sewage

All buildings on the property are serviced by conservancy tanks and are serviced by the Municipality.

Access, egress, and parking

Access to the property is by means of Camphill Road that connects with the Hemel & Aarde road, between Caledon and Hermanus. The abovementioned road runs through the property, effectively cutting the farm in two portions. From this road, smaller access roads provide access to the "top" part of the property.

Traffic

The new proposed restaurant is not expected to drastically alter the traffic flow and impact on the subject property, and it is also not predicted that major additional traffic will be attracted. The correct number of parking bays are provided on the subject property.

The parkrun that is held once a week as discussed earlier, only last from 8am and most runners tend to be done by 10am, which means that all the parking available on the subject property can be used as none of the other land uses on the subject property are exercised during this time period.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1)(c) of the OM By-Law can be illustrated as follow:

Need and desirability

The need for the development arose from the applicant's vision to help less fortunate individuals that generally do not have access to these kinds of facilities. The development of the subject property benefits the community more than the applicant as these buildings and facilities will be used to educate and train the less fortunate segment of the Overstrand community.



Impact on views, sunlight and character of the area

It is not anticipated that the additional restaurant will have a negative impact on the surrounding area. The amended SDP indicates the location of the restaurant, and it was placed in such a way to ensure no adverse effects are being felt by the surrounding property owners. The restaurant is not impeding on the views, sunlight and character of the surrounding area.

Economic impact

The restaurant will have a large economic impact, not only by training staff for the hospitality industry, but with the patrons visiting the establishment it will make profits. This profit will be shared with the service providers of the area by purchasing goods from distributors of fresh produce that will be used in the restaurant.

In addition to the above mentioned the money will be used to upgrade the facility and in essence help more student that are less fortunate.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved. The restaurant will not adversely affect the surrounding area.

Impact on heritage

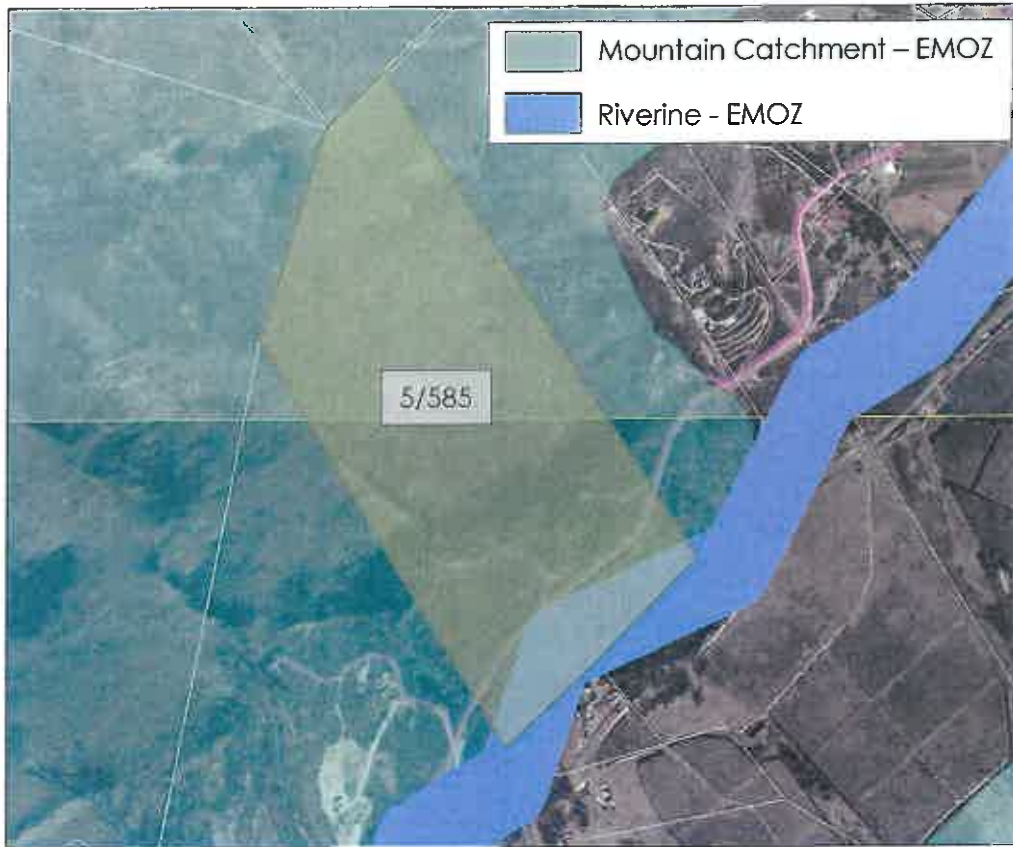
The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal.

Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)



Riverine & Mountain Catchment - EMOZ

The subject property is located within the Riverine EMOZ and Mountain Catchment area and to ensure compliance with the guidelines set out in the EMOZ the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES			
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Riverine	Mountain Catchment	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	X	N/A



MOTIVATION

Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	X	N/A
Development above the 120m geographical contour line.	X	X	This is not proposed for the subject property
Development on the crest of a mountain, ridge or hill.	X	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	X	N/A
Feeding, disturbing / pursuit of fauna.	X	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.	X	N/A	N/A
Staying overnight.	X	X	There is an approval for dwelling units on the subject property.
The discharging of domestic effluent / grey water into all natural systems.	X	X	N/A
Tampering with security / surveillance infrastructure.	X	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	X	N/A
Littering	X	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or	X	X	N/A

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MOTIVATION

manner other than a receptacle designated for such items			
Dog walking / exercising of dogs in non- designated zones.	X	X	N/A

SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES			
A) Activities Only Permitted With Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Riverine	Mountain Catchment	
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	X	N/A
B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Riverine	Mountain Catchment	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	N/A	X	N/A
Commercial filming.	X	N/A	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	N/A	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas	N/A	X	N/A



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Launching of vessels at registered launch sites.	X	N/A	N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Riverine	Mountain Catchment	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	N/A	N/A
Commercial Harvesting/collection and removal of any natural resource.	X	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	X	N/A

**11.2 Heritage Protection Overlay Zone
Significate landscape**

A portion of the subject property is located in the Heritage Protection Overlay Zone as a 'Significate landscape' as illustrated by the figure below:

It is predicted that the portion of the subject property that is located within a significant landscape area, will not have a further impact on the HPOZ. To ensure the application may be considered in compliance with the HPOZ, it is of importance that certain aspects need to be provided and addressed in terms of Overstrand Municipality Heritage Protection Overlay Zone Regulations, 2020:

Section 20 – 22 states the following -

'20

The Overstrand Municipality By-Law on Municipal Planning, 2020, will apply in respect of all applications, processes and decisions contemplated in these regulations.

21

In considering an application for written consent in order to undertake an activity in terms of the Heritage Protection Overlay Zone, the Municipality may require from an



applicant whatever information it deems necessary in order for an informed decision to be made regarding the application.

22 This could include, inter alia:

- 22.1 statements of significance;
- 22.2 heritage research;
- 22.3 photographs, including contextual photographs;
- 22.4 results of public consultation;
- 22.5 impact assessments; and
- 22.6 comment from affected and interested bodies.'

- **Statements of Significance**

The heritage significance of the small portion of the subject property is not large. The area has been included into significant landscape to ensure nothing is developed on the top of the property which is not proposed for this application.

- **Heritage Research**

No heritage research was done for purposes of this application.

- **Photographs, Including Contextual Photograph**

Aerial maps were included into the application, refer to Plan 3.

- **Results of Public Consultation**

With regard to this application, an extensive public participation process will be held. If any comments are received regarding the heritage aspect it will be addressed accordingly.

- **Impact Assessments**

No impact assessment has been done for purposes of this application.

- **Comment From Affected and Interested Bodies**

The application will be circulated to interested and affected bodies for comment.

11.3 Spatial Planning Policies

The compliance of this proposal with the applicable spatial development policies will be illustrated. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound planning development patterns in rural areas.

PSDF

Policy preface

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the inter departmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns in urban and rural areas in the province.



Broad policy objectives

The PSDF outlines that the rural space economy is not only about agricultural development but is about a broad-based agrarian transformation, diversifying rural economic activities, tourism and not harming functional ecosystems. In line with the PSDF strategy for opening up opportunities in the rural space economy the following dimensions exist.

The compliance of this proposal with the policy proposals in the PSDF which are pertinent to this proposal are recorded below:

The policy cites the need for greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape.

The application proposes a restaurant that will be utilised as a place of instruction to train and educate previous disadvantaged and underprivileged students to experience the hospitality industry first-hand.

The policy states that public investment should be channelled in rural development initiatives that could add real and sustained improvements of the rural community. The construction phase of the development will create not only temporary jobs, but the proposed restaurant will create permanent jobs and also create education opportunities. Other economic opportunities will also be created, for example to distributors who will provide certain raw ingredients that may be used in the restaurant.

The existing approved activities already have a large impact on the surrounding rural community and the proposed unique educational facility will add meaningful skills development to its employees and students. In addition, it will promote tourism activities within the Hemel and Aarde Valley.

SDF

Policy preface

The intention of the SDF is to promote a pragmatic approach to future developmental opportunities and challenges by providing a vision for the Municipality and the region and providing detailed spatial proposals.

Broad policy objectives

The objective of the SDF is to provide spatial goals and supporting policies to achieve positive changes in the spatial organisation of municipal areas to ensure sustainable development. To promote sound planning principles according to the current and relevant legislation. To promote the general well-being of its inhabitants, thereby ensuring that the most effective and orderly planning is achieved for an area whereby changes, needs and growth in the area can be managed to the benefit of the inhabitants.



The compliance of this proposal with the policy proposals in the SDF which are pertinent to this proposal are recorded below:

Throughout the policy it is apparent that the rural economy and rural development is a of key interest to the Municipality. The proposal is in line with what is proposed for the Hemel en Aarde Valley as this area has great tourism potential and should be treated as such.

The proposal cannot only be seen as a tourism addition to the Hemel en Aarde Valley, but it will also attract patrons to experience a unique atmosphere while enabling the students to be well trained and educated.

The proposed restaurant will have short- and long-term economic impact on the rural economy, without adversely impacting the rural fabric of the area. The location of the restaurant was selected to reduce the impact that it may have on the rural environment.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the restaurant will allow previously disadvantaged, less fortunate students to partake in certain experiences that may not have been available previously.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This restaurant will aid in the provision of skilled employees for the entire Overstrand Area and will benefit the surrounding area immensely.

Efficiency

This proposal is intended to maximise the usage of the subject property and ensure the applicant has sufficient space to educate and train these students.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



13. EVALUATION

The approval of the application will allow the applicant to construct a restaurant on the subject property that will be used for training and educational purposes. As mentioned throughout the report, the applicant currently provides training to underprivileged students, that will directly benefit from the proposed restaurant through their exposure to real world experiences.

The approval and implementation of this proposal will contribute towards the enhancement of the unique educational facility that the applicant is currently operating from the subject property.

The proposal is in harmony with all spatial planning policies which illustrates that this proposal was not created arbitrarily by the applicant but was done with due consideration for spatial planning policy directives.

14. RECOMMENDATION

Considering the merits of this motivation, it is recommended that the following be approved:

- 14.1 Amendment of the Site Development Plan** in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.
- 14.2 Consent Use** for a tourist facility (restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.
- 14.3 Consent Use for a tourist facility (recreational facility/parkrun)** in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.
- 14.4 Consent Use for a place of entertainment (open air amphitheatre)** in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.
- 14.5 Consent Use to for a place of entertainment (live music in restaurant)** in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.
- 14.6 Permission required** in terms of Section 16(2)(g) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Scale 1 : 1 000

BUILDING LEGEND		AREA
BUILDING NUMBER	CURRENT USE	AREA
BUILDING 1	STORAGE	29.32m ²
BUILDING 2	STORAGE	29.30m ²
BUILDING 3	STORAGE	43.52m ²
BUILDING 4	STORAGE	14.22m ²
BUILDING 5	STORAGE	5.22m ²
BUILDING 6	MESS HALL FOR CYCLISTS	142.41m ²
BUILDING 7	TOILET FACILITIES	21.35m ²
BUILDING 8	Approved Workshop 1	60m ²
BUILDING 9	Approved Workshop 2	60m ²
BUILDING 10	Approved Workshop 3	60m ²
BUILDING 11	Approved Workshop 4	60m ²
BUILDING 12	Approved Kitchen/Hall	200m ²
BUILDING 13	Approved Classroom 1	60m ²
BUILDING 14	Approved Classroom 2	60m ²
BUILDING 15	Approved Classroom 3	60m ²
BUILDING 16	Approved Classroom 4	60m ²
BUILDING 17	Approved Dwelling 1	+250m ²
BUILDING 18	Approved Dwelling 2	+250m ²
BUILDING 19	Approved Dwelling 3	+250m ²
BUILDING 20	Approved Dwelling 4	+250m ²
BUILDING 21	Approved Dwelling 5	+250m ²
BUILDING 22	Approved Dwelling 6	+250m ²
BUILDING 23	Proposed Restaurant	336m ²
BUILDING 24	Approved Farm store	100m ²
BUILDING 25	Approved Reception	100m ²
TOTAL AREA		3044.29m ²

Amended Site Development Plan Portion 5 of the Farm 585

Existing Buildings on Portion 5 of the Farm 585

- Workshops - 60 m²
- Hall/kitchen/mess hall - 200 m²
- Class rooms - 60 m²
- Organic vegetable gardens
- Accommodation - 250 m²
- Farmstore/ ticket office - 100 m²
- Reception/admin office - 100 m²
- Tourist Facility - Restaurant

Roads

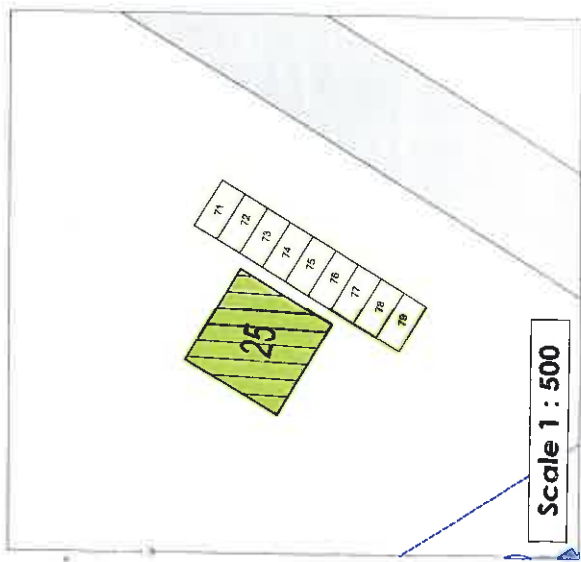
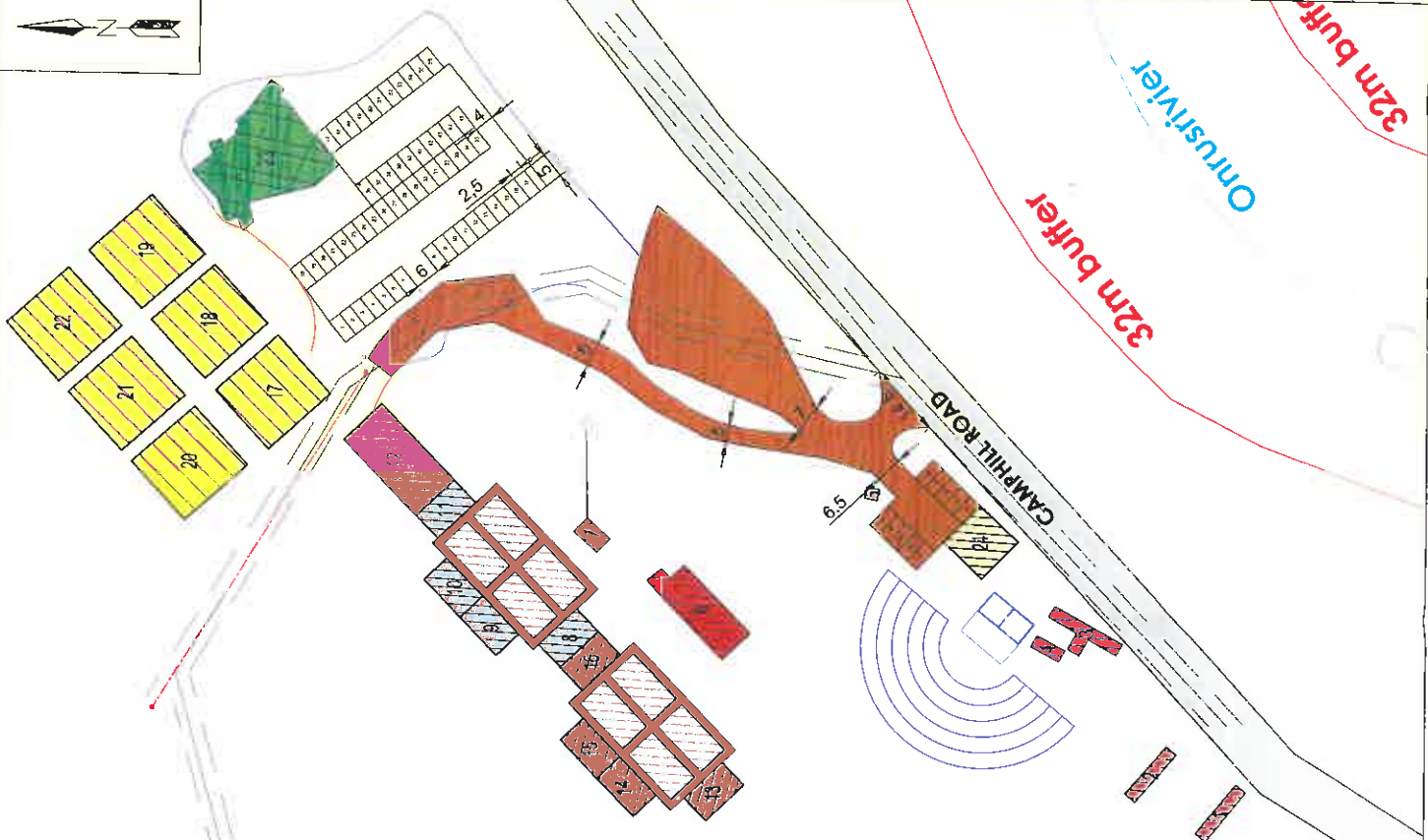
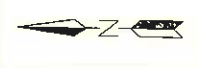
Building lines

Bank of river

32 m setback line

Open Amphitheatre - 1 000 m²

Parking Bay Sizes - 2.5m x 5m



Scale 1 : 500



Based on survey done by N. Clark
 Plan prepared by: Thian Jansen
 All distances are approximate and subject to a survey
 Tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Unit B, Standard House,
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Project Office
 WRAP
 100% Planning & Project Management